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‘Work First’ Can Help Resolve Child Support Arrearages

Michigan’s career development system, which has been widely recognized as one of the best in the country, is available to circuit court family division judges and friend of the court offices (FOCs). An important component of Michigan’s career development system is the Work First Program, which has helped to reduce Michigan’s welfare caseload. Work First is operated by 25 local Michigan Works! Agencies (MWAs) with oversight provided by local, employer-led workforce development boards.

A component of Michigan’s “Work First” Program, the Non-Custodial Parent (NCP) Program, is a valuable, yet currently underused, tool for helping non-custodial parents meet their child support obligations. The program has also helped collect back child support from non-custodial parents who turn out to be employed.

In 1998, Michigan’s Work First Program was expanded to allow selected non-custodial parents to be referred to the NCP Program by FOCs. FOC offices implemented “Non-Custodial Parent” Programs statewide to help unemployed or underemployed non-custodial parents find unsubsidized employment. The NCP Program, which is based on a “Work First” model, focuses on a *full range* of employment-related services, including job search assistance, job retention support, post-employment training, and related supportive services (such as transportation allowances, uniforms, tools, and automobile repairs). If needed, there may be assistance in obtaining or referral to rehabilitation, substance abuse, or mental health services. Eligibility has since been expanded to allow all non-custodial parents having problems with paying their child support obligations to receive program services.

Eligible individuals must be referred by the circuit court or its FOC office to the MWAs. To be eligible, individuals must be unemployed or underemployed, and either (1) in arrears in child support payments or (2) in imminent danger of becoming in arrears in child support. MWAs give first priority to low-income non-custodial parents who are connected to children receiving Temporary Assistance for Needy Families, Food Stamps, Child Day Care, or Medicaid.

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The Governor and the Chief Justice are exploring means to increase use of the program. Recent statistics indicate that referrals from circuit courts and their FOC offices have been low compared to the potential eligible population. Most of the individuals who are referred by circuit courts and FOC offices report income and make progress towards reducing child support arrearages.

The program is a promising tool that provides a resource to increase support available for Michigan's children. With inadequate computer assistance, some FOC offices have been unable to provide complete data on referrals, however, in FY 2000-2001, more than 2 million dollars was collected from non-custodial parents who attended a Michigan Works! agency orientation. An additional half million dollars was received from those non-custodial parents who, when contacted for a referral, admitted that they were already employed. Through the third quarter of FY 2001-2002, more than 1.5 million dollars has been received in child support from referred non-custodial parents and over \$800,000 from those non-custodial parents who have been discovered to be already employed.

The NCP Program is funded through the Michigan Department of Career Development (MDCD). The program is a cooperative effort of the MDCD, the State Court Administrative Office, the Michigan Family Independence Agency, the MWAs, and local circuit courts and their FOCs. For general information, contact Michigan Works! at 1-800-285-WORKS (9675) or the local MWA. You can also visit the Michigan Works! web site at www.michiganworks.org.

For technical program questions, contact:

Michigan Department of Career Development
Office of Workforce Development
201 N. Washington Square, 5th Floor Lansing, Michigan 48933
Telephone: (517) 335-5858
FAX: (517) 335-5945

For information regarding the non-custodial parent referral program, contact the Michigan Department of Career Development at the address above or:

State Court Administrative Office
Friend of the Court Bureau
309 N. Washington Sq.
Lansing, MI 48933
Telephone: (517) 373-2137
FAX: (517) 373-8922

Access and Visitation Programs

As a result of the Personal Responsibility and Work Reconciliation Act of 1996, the Federal Office of Child Support Enforcement has provided grants to states to help non-custodial parents establish and maintain relationships with their children. Since 1998, many counties in Michigan have developed Access and Visitation Programs that have been very successful. Mr. Brian P. Mattson, Muskegon County Family Court Project Manager, has provided the following description of the program that is funded by the Access and Visitation Grant in his county. Following the description of the Muskegon program, Ms. Mary Lou Burns has provided a description of programs established in Tuscola County that are funded by Access and Visitation Grants.

Muskegon Responsible Fathers Initiative

The Muskegon Responsible Fathers Initiative (MRFI) is a community wide collaborative effort addressing issues that prevent fathers from being financially and emotionally involved in the lives of their children. The initiative started in August of 1998, following a trip by community representatives to Baltimore, Maryland to observe the Young Fathers Responsible Fathers Program.

The first task was to lay a foundation for creating a vision in the community for involving non-custodial fathers in the lives of their children. A series of community presentations were conducted. One such presentation was hosted by Family Court Judge Gregory Pittman. The keynote speaker was Neil Tift of the National Fatherhood Initiative. The presentation was attended by 125 community representatives. At the presentation, several breakout groups were formed where critical issues were identified, strategies for a change developed, and community resources evaluated. Ideas for improving the quality of life for children and fathers in Muskegon County was created. Prior to the presentation, Mr. Tift led a group of agency directors through an agency audit process.

A steering committee with broad-based representation at the local policy making level was formed to provide overall direction to the effort. Three goals were identified that would provide a balanced approach to address related issues:

Value Clarification: A promotional effort focused at helping the community to understand the importance of a father in his child's life.

System Analysis: Encourage leadership of major service providers to families and employers to review practices for fathers in their organizations and determine if more can be done.

Develop specific programs for fathers: Create a network of programs that remove barriers and address the specific needs of fathers who want to become more financially and emotionally involved in the lives of their children.

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In the spring of 1999, nine focus groups met to identify barriers and specific service needs. The focus groups included area service providers, judges, friend of the court staff, interested citizens, mothers, fathers, and children. After careful review of the data collected, the following barriers/service needs were identified:

- **Education**
- **Life Skill Training**
- **Parenting Training**
- **Peer Support Groups**
- **Employment**
- **Substance Abuse**
- **Mediation Services**

During follow-up meetings with the Domestic Division of Family Court staff, parents involved in paternity cases were identified as those receiving little service intervention in the community. The Access and Visitation Grant through the State Court Administrative Office was identified as a possible funding source that could address the needs of this particular population. The grant was approved.

The program begins when parents in paternity cases, as identified by the Child Support Division of the Muskegon County Prosecutors Office, are referred to the program.

The parents first attend a parent orientation together where the need for the parenting couples to establish a “business like co-parenting relationship” for the best interests of the child is stressed. Parents are educated as to their legal rights regarding child support and parenting time. Two short films are also shown to the group, “What Every Child Needs” and “It’s Easy Once You Do It.” The films were designed to help both the custodial and non-custodial parents understand the importance of their child to both parents having active participation in the child’s life. Additionally, parents receive a folder containing brochures and material about a variety of parenting services in the community and a copy of the Muskegon County Friend of the Court Handbook.

After the parent orientations are completed, each parenting couple is scheduled for a parenting time conference. The program coordinator of the Fathers Initiative meets privately with each set of parents or parent if only one attends, and assists them in agreeing to a regularly scheduled parenting time period for the non-custodial parent. This agreement then becomes a part of the court order.

In an effort to measure program outcomes and provide parents with an opportunity to give input regarding the program, participants are required to complete post program questionnaires. Across the board, high percentages of mothers and fathers report gaining a better understanding of the importance of both parent’s active involvement in their child’s life and agree to work toward the development of a co-parenting relationship for the sake of their children. Parents further report an improved understanding of their legal rights and a recognition as to the importance of not using their child as a way of getting back at the other parent. Over 100 parents have successfully completed the program per year for the two years that it has been in operation.

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After the parent orientation, fathers are given the MRFI individual needs assessment to determine what other areas can be identified to assist in meeting the child's financial and emotional needs. Where appropriate, referrals are made to other community resources. Some of the agencies receiving referrals are Westshore Dispute Resolution Service, Workfirst Development Programs, West Michigan Therapy, Child and Family Services, and Mercy General Health Partner's, Dads Always On Duty Program.

The Dads Always on Duty Program is an example of other agencies developing services for fathers as a result of the initiative's value clarification and system analysis efforts. Taught by a doctor and a registered nurse, the program focuses on developing early infant care (0-3 years old) skills in non-custodial parents. Currently in operation is the Incarcerated Fathers Count Program. This 10-week program targets incarcerated fathers and assists them in building parenting skills and promotes positive relationships between fathers and children during the time that the fathers are incarcerated.

The State Court Administrative Office's Access and Visitation Grant has been a major funding source for our communities Father's Initiative. Other funding sources have contributed as well. The local Family Coordinating Council, the Coalition of Community Foundations for Youth, The Community Foundation for Muskegon County, Gerber Foundation, and the Teen Pregnancy Prevention grant have all contributed financially to these efforts.

In the words of 14th Circuit Court Administrator Patricia Steele, "Muskegon has established a strong, interlocking network of agencies and services focused on assisting otherwise absent fathers to remove barriers that prevent them from fully participating in the lives of their children. The Steering Committee of the initiative has worked together for four years to weave those agencies into a viable, credible, multitasking organization that serves as coordinator of fathers services in Muskegon County. The Family Court in Muskegon is intimately connected to many of these fathers and must maintain an objective, impartial child centered focus in resolving family issues."

Much work still remains to be done. With the continued support and encouragement of the 14th Circuit Court, and the involvement of the community, Muskegon County is well on its way to effectively addressing issues and providing the support necessary that results in fathers meaningful involvement in the lives of their children.

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Tuscola County

Tuscola County Friend of the Court applied the Access and Visitation Grant to establish three programs to assist non-custodial parents. The following are descriptions of those programs:

Travel Assistance Program: Non-custodial parents were informed that long distance travel and accommodation assistance would be available. Applicants were asked to complete financial affidavits and provide income verification to determine eligibility. Those parents that were approved were required to provide a 10 percent match to the funding. Most of the parents who received assistance used the monies to exercise summer parenting time.

Paternity Orientation Program: The Tuscola Friend of the Court worked with Prosecutors' offices from Tuscola, Sanilac, and Huron Counties. Paternity orders included provisions requiring parents to attend the Friend of the Court Paternity Program. Parents were provided a presentation regarding the responsibilities of the Friend of the Court Office; shown the video, "Dedicated, Not Deadbeat", and were provided with another presentation that addressed the benefits, rights, and responsibilities of fatherhood. It was necessary to charge parents \$5.00 for materials to fulfill the local match requirements. Forty one clients were ordered to attend and, despite a tremendous effort on the part of Kristi Babich, of the Tuscola County Prosecutor's office, only 16 (39 percent) of parents have attended the program so far. A second program will be held soon.

Reality Game Program: Referee Nancy Thane created, "Money Game Program" for high school students to demonstrate the financial responsibility of paying child support. In the program the "payer" was given a salary in the form of play money. The payer is then required to pay child support, childcare, confinement costs, and fees from that money. The objective of the program is to demonstrate to students the costs associated with paying child support.

Tuscola County custody investigators, Dale Truemner and Stacey Horiski, changed the program slightly by providing play money to the two students. One of the students played the role of the non-custodial parent and the other played the role of the custodial parent. The students were provided with the costs associated with parenthood.

The student who played the non-custodial parent must consider the costs of living independently, as well as the expenses of paying child support. As a result of participating in the program, the student who has the role of custodial parent is made aware of the costs of living as well as the expenses to pay for diapers, day care, food, and clothing costs. The program attempts to provide a realistic message to students concerning the responsibilities of supporting a child.

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Mr. Truemner and Ms. Horiski also provided the students with a Power Point program regarding the rights, benefits, and responsibilities associated with being a parent. The program concentrated on the importance of parent's involvement in the child's life, as well as the impact of choices individuals make. It would appear students were very interested in the information provided as they raised many questions and made comments relevant to the issues.

The presenters received rave reviews from educators in the feedback portion of the program. The Reality Program was presented to five schools in Tuscola County reaching over 419 students. Every teacher requested that Mr. Truemner and Ms. Horiski return next school year.

The Friend of the Court staff has already reached and hopefully positively impacted the lives of 463 current or potential clients. We have other clients we hope to assist. Because of its success and very minimal costs, the Reality Program will be continued in the fall, regardless if further Access and Visitation Grant funding is provided.

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Child Support Leadership Council

Governor John Engler, and Chief Justice Maura Corrigan, recently announced the creation of the Child Support Leadership Council. The Leadership Council replaces the current Child Support Coordinating Council. The Child Support Leadership Council is charged with making proposed changes to the child support system that would make it more responsive to the needs of parents and others using the system. The council will serve in an advisory capacity to the Governor and the Chief Justice by providing recommendations for improvements to the state and child support system. Many of the recommendations will be a result of the council communicating with interested parties on a strategic plan for Michigan's child support system. The Governor and the Chief Justice have appointed the following individuals to the Leadership Council:

Scott Teter, Cass County Prosecutor
 Denise Chambers, Genessee County FIA Director.
 Kristie Etue, Michigan State Police Lieutenant
 Robert Geake, Children's Ombudsman
 Joe Yekulis, Washtenaw County Commissioner
 Judge Mary Beth Kelly, Wayne County Chief Circuit Court Judge
 Mike Day, Friend of the Court Association President
 Murraray Davis, father's advocate
 Dan Wright, Special Assistant to Chief Justice Maura Corrigan

These council members appointed by the Governor and the Chief Justice provide a wealth of knowledge and experience that will be invaluable for addressing the challenges facing the Michigan child support program.

Capital Corner

Since the last publication of the Pundit the following bills have been introduced. These bills are still being addressed in the Michigan Legislature and thus are subject to change. To review the status of the bills, see www.michiganlegislature.org/.

House Bill 5965 creates the court appointed special advocate act and was introduced April 25, 2002 and referred to the Committee on Family and Children Services. The bill would establish and regulate the court-appointed special advocate program. A court-appointed special advocate” or “CASA volunteer would be an individual who is a volunteer whom the court appoints to assist in advocating for a child. A judge or referee may appoint a CASA volunteer in an action brought in the family division of circuit court when a child who may be affected by court action requires services that a CASA volunteer can provide. The CASA volunteer is appointed at the earliest stages of the action and as the authority to review relevant documents and interview parties or any persons having significant information relating to the child. The CASA volunteer may, among other tasks, conduct an independent investigation regarding the child’s best interest and determine if an appropriate case service plan has been developed.

House Bill 5985 was introduced April 30, 2002 and referred to the Committee on Family and Children Services. This bill would amend Friend of the Court Act by establishing a requirement that within 90 days after a support order is issued in a domestic relations matter, the friend of the court would distribute a copy of the support order to each major consumer reporting agency. The fee to pay for the distribution of the support order, would be added to the first payment under the support order.

House Bill 6004 (S-1) was passed by the House, introduced in the Senate, and reported out favorably with substitute by the Committee on Families, Mental Health and Human Services. The bill would revise the Support and Parenting Time Act by requiring that all child support be charged monthly on the first day of each month. The bill would also allow perfecting of a lien on a child support payer’s property when the arrearage has reached two months of payments and would provide administrative procedures for levying against financial assets.

House Bill 6005 was passed by the House and referred to Committee on Families, Mental Health and Human Services in the Senate. On June 6, 2002 the committee reported the bill favorably without amendment. The bill requires the Worker’s Compensation Bureau to release information to be used for the purpose of collecting support to the Friend of the Court Office and the Michigan Family Independence Agency, Office of Child Support. To Michigan Legislative Website.

House Bill 6006 (S-1) was passed by the House and referred to Committee on Families, Mental Health and Human Services on June 18, 2002. The committee reported the bill favorably with Substitute (S-1). The bill would amend the Support and Parenting Time Enforcement Act. When a payer fails to appear for a show cause hearing, the

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Time Enforcement Act. When a payer fails to appear for a show cause hearing, the bill would allow the court to:

- Find the payer in contempt for failure to appear.
- Find the payer in contempt for the reasons stated in the motion for the show cause hearing.
- Apply an enforcement remedy authorized under the Support and Parenting Time Enforcement Act or the Friend of the Court Act for the nonpayment of support.
- Issue a bench warrant for the payer's arrest.
- Adjourn the hearing.
- Dismiss the order to show cause, if the court determined that the payer was not in contempt.

This bill provides that if the payer is arrested, the individual would have to remain in custody until a hearing, unless the payer deposited a cash performance bond in an amount specified in the warrant. Under the bill the court would have to set the bond at a minimum of 25% of the arrearage or \$500, whichever is greater. Payers who could not post bond would be entitled to a hearing within 48 hours, excluding weekends and holidays.

House Bill 6007 (S-1) was passed by the House and referred to Committee on Families, Mental Health and Human Services on June 18, 2002. The committee reported the bill favorably with substitute (S-1). Under this bill enforcement remedies for an alleged parenting time violation may be used immediately. The Friend of the Court would not have to act on an alleged parenting time violation if the following were true:

- The party filing the complaint had previously submitted two or more unjustifiable complaints, costs were assessed against that party, and the party has not paid the costs.
- If the alleged violation occurred more than 56 days before the complaint was submitted.
- If the custody or parenting time order did not include an enforceable provision relevant to the complaint.

This bill would permit the Friend of the Court to schedule a joint meeting to resolve a parenting time dispute. The Friend of the Court employee conducting the meeting would have the option to prepare an agreement of the parties or to recommend an order to be entered with the court. Either party could file an objection within 21 days to the recommended order. Absent an objection, the recommended order would become an order of the court.

Under House Bill 6007, the Friend would not have to act on a parenting time violation in certain instances.

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The bill further provides that if a party to a parenting time dispute acted in bad faith, the court would have to order a sanction of up to \$250 for the first incident, up to \$500 for a second, and up to \$1,000 for the third or subsequent incident. Monies derived from the sanctions would be deposited in the county's Friend of the Court fund. The court also would have to order the party who acted in bad faith to pay the other party's costs.

House Bill 6008 (S-1) was passed by the House, introduced in the Senate, and referred to Committee on Families, Mental Health and Human Services 6/18/2002. The committee reported the bill favorably with Substitute (S-1). The bill would amend the Office of Child Support Act by permitting the Office of Child Support (OCS) to centralize enforcement activities for cases upon agreement of State Court Administrative Office (SCAO) and OCS, or when arrearages on a case exceed the amount of support due for 12 months (or a 6 month arrearage where the payee has requested centralized enforcement). The centralized enforcement may include, but is not limited to, the following:

- Enforcement remedies under the Support and Parenting Time Enforcement Act.
- Contracting with a private or public collection agency.
- Contracting with a private or public locator service.
- Publishing a delinquent payer's name.
- Local or regional agreements with a law enforcement or prosecutor.

OCS would be required to notify each custodial parent whose case had been selected for centralized enforcement. OCS would also be required to develop a system to track each case selected for centralized enforcement. The OCS and SCAO agreement would also allow OCS to centralize a type of enforcement remedy. OCS would be required to report to legislature concerning centralization of child support enforcement.

House Bill 6009 was referred to Committee on Families, Mental Health and Human Services 6/18/2002. The bill was reported favorably with substitute (S-1). The bill would amend the Support and Parenting Time Enforcement Act by providing alternative methods to enforce health care expenses and parenting time. The bill would require the following conditions to be met before the complaint for collection of the expenses would be enforced by the Friend of the Court:

- The parent is obligated to pay the uninsured health care expenses.
- The demand for payment had been made 28 days after the insurer's final payment or 28 days after it was determined the expenses were not covered by insurance.
- The parent did not pay the uninsured expenses 28 days after the receiving the demand.

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The Friend of the Court would be required to send a copy of the complaint to the parent named in the complaint. If that parent does not file an objection within 21 days the expenses would become a support arrearage. If an objection is filed within 21 days the matter would be scheduled before a referee or judge.

After receiving a complaint that alleged that custody or parenting time was denied the Friend of the Court must send the complaint to the parent who allegedly denied parenting time or custody. If the matter is not resolved, the Friend of the Court may file a motion with the court. The Friend of the Court may then prepare a written report and recommendation for an order. If neither party files an objection within 21 days, the recommendation and order will be signed by the court. If an objection is filed, the matter will be noticed for hearing before a referee or judge.

House Bill 6010 was passed by the House, referred to Committee on Families, Mental Health and Human Services 6/18/2002. The committee reported the bill favorably with Substitute (S-1). The bill would amend the Support and Parenting Time Enforcement Act to allow the Friend of the Court to change the payee of support when the child covered by the order is residing with a person who is not the named recipient of support. The bill would permit the Friend of the Court to abate support when the child lives with the person who pays support. The redirection or abatement would not occur until 21 days after the Friend of the Court has notified each party of the proposed action. If an objection is filed, the support is reviewed or the parties are advised that they must file a motion for an order.

House Bill 6011 (S-1) was passed by the House, introduced in the Senate, and referred to Committee on Families, Mental Health and Human Services on 6/18/2002. The committee reported the bill favorably with a Substitute. This legislation provides that a motion could be filed with the court that would allow the parties not to have their case serviced by the Friend of the Court. The court would issue the order unless 1 or more of the following were true:

- One of the parties is eligible for IV-D services because of the party's current or past receipt of public assistance.
- A party applies for IV-D services.
- There is evidence of domestic violence or uneven bargaining positions of the parties.

The bill would also allow the parties to file a motion with the court to have their Friend of the Court case closed. The court would grant the motion unless 1 or more of the following were true:

- A party to the Friend of the Court Case objects.
- A party is receiving IV-D services because the party is receiving state assistance.

Under House Bill 6011, parties could seek to not have a case opened with the Friend of the Court.

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- A party to the Friend of the Court case is eligible for IV-D services because the party received public assistance and an arrearage is owed to the governmental entity that provided the public assistance.
- That in the previous 12 months a child support arrearage or custody or parenting time order violation has occurred.
- A party to a Friend of the Court case has reopened a Friend of the Court case.
- The Friend of the Court case contains evidence of domestic violence, uneven bargaining positions, or it is not in the best interests of either party or the child.

A party may request their Friend of the Court case be closed but payments be made through the State Disbursement Unit.

The Friend of the Court would be required to advise the parties of the services that the office will not provide in the event that the parties decline services from the Friend of the Court.

The bill would also permit the Friend of the Court Office not to enforce an arrearage if:

- Less than one month has passed since the payer has been served with an ex-parte order and the Friend of the Court has not received a proof of service of the order.
- Payments are being made as ordered by income withholding.
- Income withholding is not effective but payments are being made.
- One or more support enforcement measures have been initiated and an objection to one or more of those measures has not been resolved.

House Bill 6020 was passed by the House, introduced in the Senate, and referred to Committee on Families, Mental Health and Human Services 6/6/2002. The committee reported the bill favorably without amendment. The bill would amend the Family Support Act. If custody or parenting time is not in dispute the court would include specific provisions in a family support order that would govern custody and parenting time in accordance with the Child Custody Act. If custody or parenting time is in dispute the court would include in the support order temporary custody and parenting time provisions. Pending a hearing on, or other resolution of, the dispute the court may refer the matter to the Friend of the Court for a report and recommendation.

FYI

MiCSES 2.2 implementation has involved a statewide module for prosecuting attorneys and a new version of the MiCSES Friend of the Court module in Wayne County. MiCSES 2.3 is expected to begin in Wayne County in early September. MiCSES 2.3 includes enhancements to the Friend of the Court module and full integration with the Michigan State Disbursement Unit (MiSDU). The next four counties that will convert to MiCSES with full MiSDU integration are Oakland and Macomb in November and Ingham and Berrien in December.

It is anticipated that as a result of the early retirements, the Family Independence Agency, Office of Child Support(OCS) will have a 47 percent reduction in staff. Some OCS employees will leave as of July 1, 2002 while others will retire on November 1, 2002.

Jim Covault, Trial Court Services Director, has been appointed as Regional Administrator for Region IV. The transition became effective June 28, 2002. For a short period, Jim will divide his time between the State Court Administrative Office in Lansing and the Gaylord office. We wish Jim the best of luck in his new position.

Grievance reports for the first half of 2002 need to be completed and sent to the Friend of the Court Bureau before July 15, 2002. Please submit reports using the 3/98 version of the Grievance Record Form (SCAO 28). This data is used in the report to the legislature, and those offices not reporting will be listed as “failed to report.”

The Annual Statutory Reviews are due by August 1, 2002. A copy of the review (including any responses and a summary of public comments) must be submitted to:

Darla Brandon
State Court Administrative Office, Friend of the Court Bureau
309 N. Washington Ave
P.O. Box 30048
Lansing, MI 48909

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